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## U.S. Government Structure

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# We the People

The United States, in order to give a more perfect Union, established a general Post-Office, under the Postmaster-General, by the Act of July 6, 1792, and an Agency of the same under the Postmaster-General of each State.

## Würde

Section 1. All trademarks, service marks, and service marks registered in the United States which shall consist of a name and device of the registrant.

*Section 1. The House of Representatives. The Legislature shall consist of a House of Representatives of the State, which shall have legislative power, and shall be composed of members to be chosen by the people.*

It is a good idea to have a copy of the "Standard Form of Contract for the Sale of Real Estate" and to have it checked by a lawyer before you sign it.

When we are in a position to do so, we will make a full report of our findings.

Immediately prior and immediately after completion of the first and second stages of the project, the contractor shall furnish to the engineer one copy of the detailed description of the work performed, including the quantity of materials used, and the cost of labor and materials.

Mr. President, I trust other members of my party of reason will graciously accept the substitute of amendment which I have introduced. Let me assure you, it is a much better measure.

the more difficult of the wood birds, and is to be easily known by its white cap, and the short, white, stiff crest, and the long, thin, black, pointed beak, which is very like the Kingbird's, & shall come in for a good share of the birds.

Section 4. The convention shall consist of 45 members, to be elected by the Legislature through the Legislature's delegation of the power to elect members of the convention to the members of the Legislature.

3. The C. C. Ch. is a Society in Boston, a copy of the Statutes of which, I am sending, & I am willing to make a copy of the same for you.

Cash House may determine best to give a full and a final answer. As a general rule the Committee of the Legislature  
will do.

which will have been entirely to the credit of our own commanding officer, and who is fully qualified to command the Boston, will be a Member of the New Army to be Composed of Officers...

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FEB 21 1989

# U.S. GOVERNMENT STRUCTURE

*Temporal I*

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Immigration and Naturalization Service  
U.S. Department of Justice

1987

M-291



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## NOTES TO THE READER

The series of federal citizenship texts is designed especially for persons seeking to become citizens of the United States of America. The texts can be used to help the reader prepare for the naturalization examination.

The texts are:

- United States History: 1600-1987, Level I,
- U.S. Government Structure, Level I, and
- Citizenship Education and Naturalization Information.

The main focus of the texts is on understanding how individuals and events shaped the United States—how the country was built. The importance of individual freedom in the United States is stressed throughout the texts.

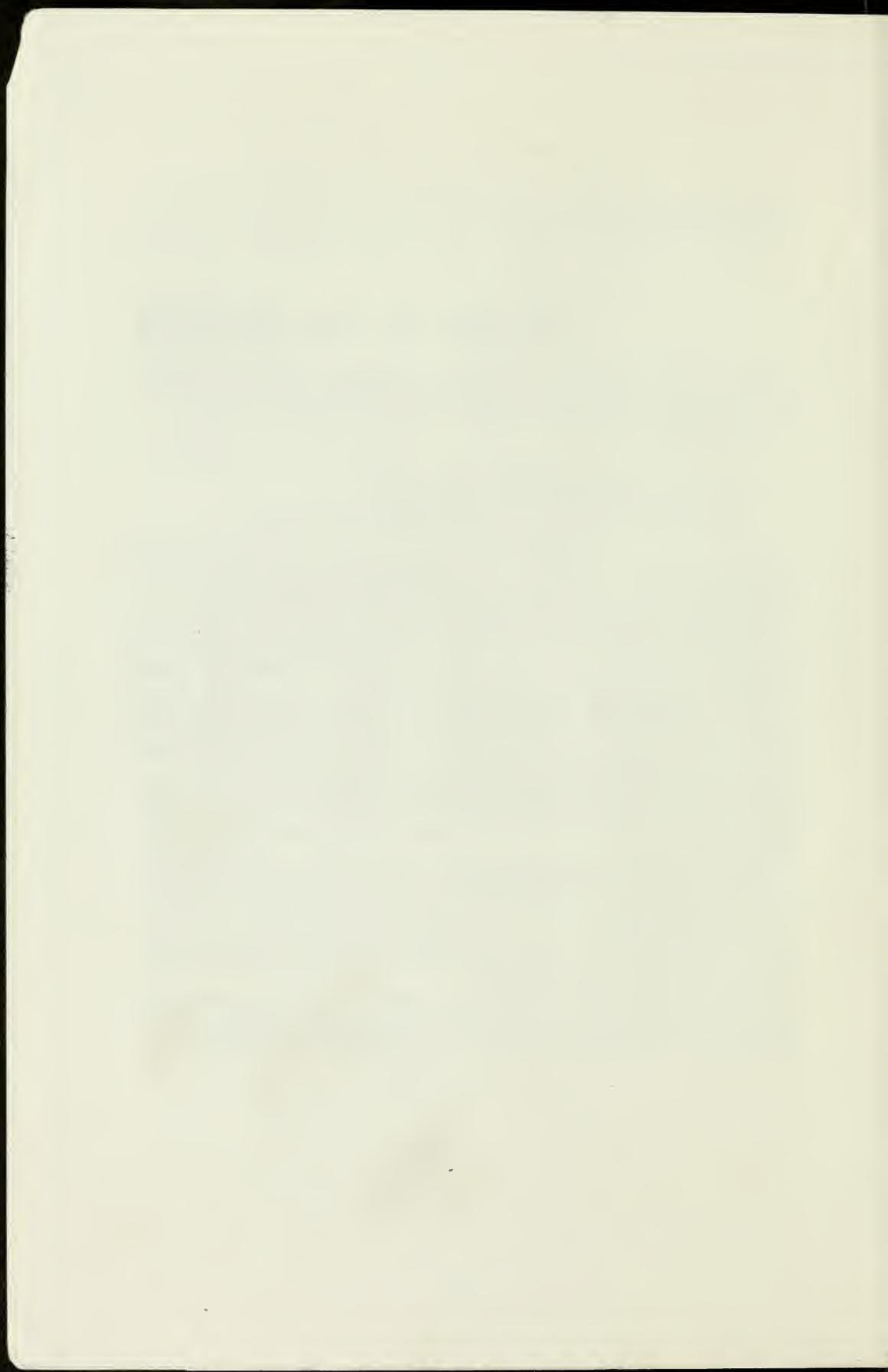
The **history text** is an overview of the history of the United States from 1600-1987. It provides the history, content and purpose of the Constitution, the amendment process and major historical events. **Portraits** of individuals important in U.S. history are presented for interest.

The **government text** describes the basis of the government of the United States—the Constitution. It discusses the three branches of the United States government and the importance, duties and authority of each. The types of government—federal, state and local—are explained and compared.

The **citizenship education and naturalization information text** discusses the rights and responsibilities of being a U.S. citizen, including rights guaranteed by the Constitution. General information on becoming a citizen is provided, also.

The texts contain **learning objectives** which state in general terms what the reader will learn by completing the texts. At the end of each chapter is a listing of **definitions**. These are the **bold** words in the chapter that are *not* explained in the text. The words are defined according to the way in which they are used in the text. At the end of the book, all of the definitions appear in alphabetical order in the **glossary**.

**Review questions** at the end of each chapter relate to the information presented in the chapter. Knowledge of these questions and other material in the texts will prepare the reader for the naturalization examination.



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## **LEARNING OBJECTIVES**

### **U.S. GOVERNMENT STRUCTURE**

By course completion, learners will be able to:

- Describe the organization of U.S. government as established by the Constitution.
- Identify the Bill of Rights and its importance to all people living in the U.S.
- Identify the three main principles of the Constitution.
- Explain the concept of separation of powers and checks and balances.
- Explain the concept of government *by the people*.
- Name the three branches of the government and the powers of each.
- Discuss the importance of the amendment process.
- Discuss the three levels of U.S. government.
- Explain the procedure for the general Presidential election.
- Identify local, state and national leaders.
- Identify types of county and city government.



# I.

## THE CONSTITUTION

### MAIN PRINCIPLES

**Self-government** is the most important principle in the Constitution of the United States. **The Founding Fathers** saw that they needed to have a system which would make sure that everyone had a voice in the local, state and national governments. They wanted to have a system that could be changed when necessary. They wrote this system into the Constitution of the United States in 1787. It has lasted more than 200 years, through many changes in the world and the country. To this day the Constitution provides the basis for the United States government.

The Constitution is often called the *supreme law* for two reasons:

- No other laws may **contradict** any of its principles; and,
- No person nor the government is **exempt** from following it.

It also guarantees or promises the freedom and rights of *all* people living in the United States, even if they are not citizens of this country. Everyone has the rights of freedom of religion and speech as well as the other rights listed in the Constitution.

The Constitution has three main principles. They are:

- **inherent rights**, or rights that anyone living in America has;
- government by the people; and,
- separation of powers, which gives each branch of the government different powers.

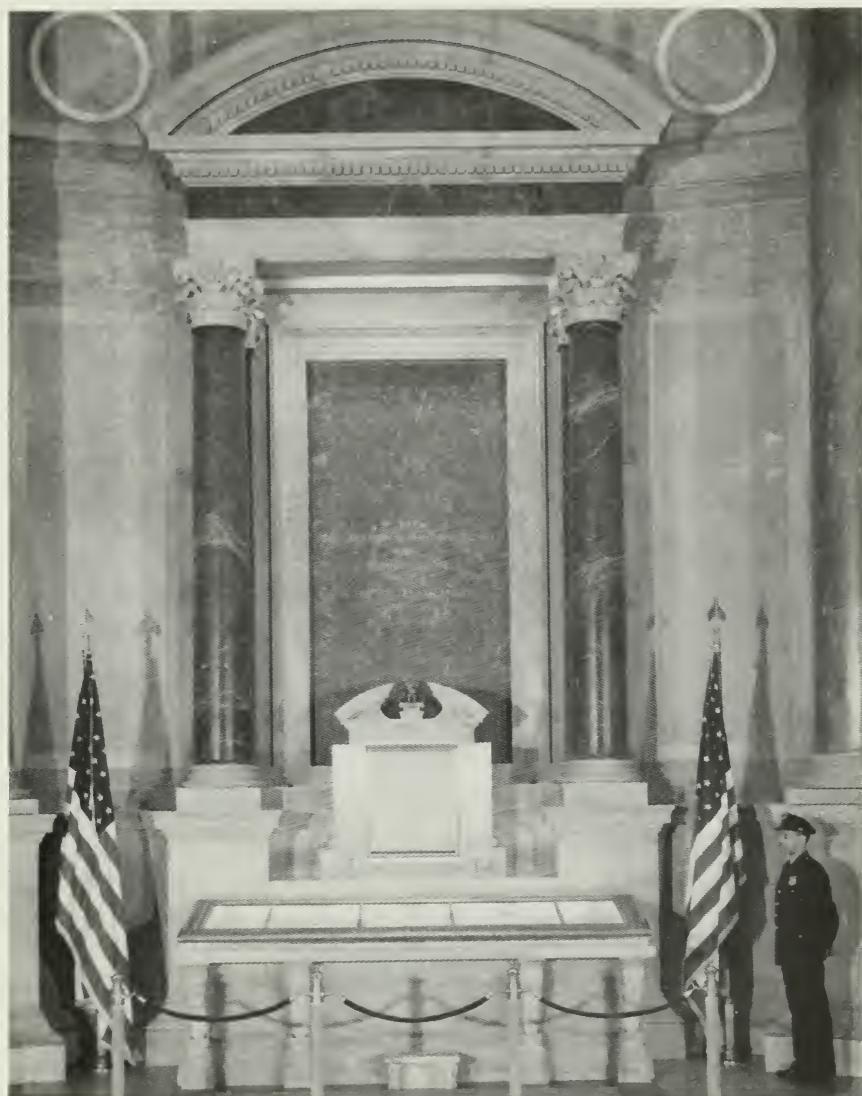
These principles are what has enabled the government to work so well in the United States. Everyone's rights are protected. If citizens believe the government needs to be changed, they can change it. The citizens control the government through their votes.

### INHERENT RIGHTS

The principle of inherent rights was first written in the **Declaration of Independence**. The Founding Fathers believed that the right to *life, liberty and the pursuit of happiness* was very important. This right is the basis for all of the rights listed in the Constitution and its amendments. These include:

- right to freedom of religion;
- right to freedom of speech;
- right to bear arms, or to own weapons (a special permit is required);
- right to a trial when accused of a crime, and to know of what crime one is accused; and,
- right to own property and to expect the government to help protect private property.

These are rights guaranteed by the Constitution to both citizens and non-citizens who live in the United States.



*The National Archives*

The Constitution is on display in the Exhibition Hall, National Archives.

## GOVERNMENT BY THE PEOPLE

The **Articles of Confederation** was an agreement between the states to support a federal, or national, government. (See chapter II of United States History book.) After only a few years, the Founding Fathers decided that the Articles of Confederation was not working. The Articles of Confederation was not binding, so many states did not pay taxes or support the federal government. The new federal government, established by the Constitution, was of the people, rather than of the states. That is why the United States has a government of and by the people. The people have the authority to:

- vote for and **delegate** their authority to their representatives in the government; and,
- elect different representatives, change the laws or the Constitution when they believe these changes need to be made.

## SEPARATION OF POWERS

The Founding Fathers wanted to make sure that one person or group of people could not control the government alone. They worked out a careful plan of **checks and balances**. They set up three separate branches of the government, each with its own power. These branches are:

Branch	Includes	Power
<b>Executive</b>	<ul style="list-style-type: none"> <li>• President</li> <li>• Vice President</li> <li>• Departments</li> <li>• Independent Agencies</li> </ul>	<ul style="list-style-type: none"> <li>• Provides leadership</li> <li>• Enforces laws</li> </ul>
<b>Legislative</b>	<ul style="list-style-type: none"> <li>• Congress: <ul style="list-style-type: none"> <li>— House of Representatives</li> <li>— Senate</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Makes or passes laws</li> </ul>
<b>Judicial</b>	<ul style="list-style-type: none"> <li>• Supreme Court</li> <li>• Lower Courts</li> </ul>	<ul style="list-style-type: none"> <li>• Explains and interprets laws</li> <li>• Settles lawsuits</li> </ul>

Each branch acts with much independence in its own area, with little **constraint** by the other branches. The Constitution, however, states very clearly the powers of each branch. The functions are almost completely separate. Because each branch has separate powers they can check and balance each other to make sure that the best interests of all the people are served, rather than only the interests of a small group. For example, the laws passed by the Congress cannot contradict the Constitution. The laws are checked by the court system and are sent to the President for approval.

## STRUCTURE OF THE CONSTITUTION

Chapter II of the United States History book describes how the Constitution was written in 1787 and the many **compromises** that were made when it was written. Americans have been devoted to defending the principles in the Constitution, changing it only as much as needed to adapt to the changing world. The Constitution has two main sections: the document and the amendments.

### The Document

This part of the Constitution never has been changed. It lists the reasons why the Constitution was written and sets up the structure or system of government. Its different parts are:

- the **Preamble**, which gives the **philosophy** of the government (The Appendix has a copy of the Constitution.); and,
- the **Articles**:
  - Article I set up the legislative branch and listed its duties and powers;
  - Article II set up the executive branch and listed its duties and powers;

- Article III set up the judicial branch and listed its duties and powers;
- Article IV set up a uniform relationship between the states;
- Article V set up the procedure for amending or changing the Constitution;
- Article VI set up the Constitution as the supreme law of the country; and,
- Article VII set up how the Constitution would be **ratified** by the states.

### **The Amendments**

The amendments have been added to the Constitution to guarantee specific rights and to solve problems which have arisen since the document was first written. As of 1987, the bicentennial (200th birthday) of the Constitution, there were 26 amendments. More can be added in the future to help solve problems which may occur. For this reason, the Constitution is called a *living document*. Amendments make the government able to adapt to changing situations. A summary of the 26 amendments is shown in Exhibit 1.

The Constitution and its amendments provide the basis of the United States government. All aspects of government in this country are **influenced** by the Constitution—this country's most important document.

## EXHIBIT 1

### THE AMENDMENTS

The first 10 amendments are called the **Bill of Rights**.

#### **Amendment 1**

Guarantees the rights of freedom of speech, press, religion, peaceable assembly and requesting change of the government.

#### **Amendment 2**

Guarantees the right to have weapons or own a gun, though subject to certain **regulations**. (Also called the right to bear arms.)

#### **Amendment 3**

The government may not quarter, or house, soldiers in the people's homes during peacetime without the people's permission.

#### **Amendment 4**

The government may not search or take a person's property without a warrant.

#### **Amendment 5**

A person may not be tried twice for the same crime and does not have to testify against him/herself.

#### **Amendment 6**

A person charged with a crime still has some rights, such as the right to a trial and to have a lawyer.

**EXHIBIT 1 (continued)**

**Amendment 7**

Guarantees trial by jury in most cases.

**Amendment 8**

Protects people against excessive or unreasonable fines or cruel and unusual punishment.

**Amendment 9**

The people have rights other than those mentioned in the Constitution.

**Amendment 10**

Any power not given to the federal government by the Constitution is a power of either the state or the people.

**Amendment 11**

Citizens of a state or foreign country may not sue another state in federal court.

**Amendment 12**

Changed the election of the President and the Vice President in the Electoral College to separate ballots rather than together on one ballot.

**Amendment 13**

Ended slavery in the United States.

**Amendment 14**

Guarantees the citizenship of all persons born or naturalized in the United States.

**Amendment 15**

Guarantees that the right to vote cannot be denied to black people or former slaves.

**Amendment 16**

Gave Congress the right to set up an income tax on the money people earn.

**Amendment 17**

Provides direct election of U.S. Senators.

**Amendment 18**

Declared it illegal to make or sell liquor in the United States.

**Amendment 19**

Guarantees that the right to vote cannot be denied to women.

**Amendment 20**

Changed the date the President takes office from March to January 20.

**Amendment 21**

**Repealed** the 18th amendment.

**Amendment 22**

Established that a President can be elected for no more than two terms.

**Exhibit 1 (continued)**

**Amendment 23**

Allows people living in Washington, D.C., to vote in Presidential and Vice-Presidential elections.

**Amendment 24**

Established that people may vote for President, Vice President and members of Congress without paying a voting tax.

**Amendment 25**

Established that the Vice President acts as President if the President is disabled.

**Amendment 26**

Extends the right to vote to citizens who are at least 18 years old.

## DEFINITIONS

### CHECKS AND BALANCES

System of government which maintains balance of power among the branches of the government. Sets limits on the power of each branch; sets up ways for each branch to correct any misuses of power by the other branches.

### COMPROMISE

To settle differences by accepting less than what was wanted.

### CONSTRAINT

Limitation; restriction.

### CONTRADICT

To conflict with; to oppose.

### DELEGATE

To authorize a person or persons to represent the rest of the people.

### EXEMPT

Free or excused from a requirement or duty.

### INFLUENCE

To have an effect upon.

### INHERENT RIGHTS

Essential, basic rights.

### JURY

A group of people chosen to hear a case in court. The *jury* makes a decision based upon the evidence.

### PHILOSOPHY

The general beliefs, attitudes and ideas or theories of a person or group.

### RATIFY

To approve or confirm formally; to make valid and binding.

### REGULATIONS

Rules or orders which control actions and procedures.

### REPEAL

To take back or recall, usually a law.

## REVIEW QUESTIONS

1. In what year was the Constitution written?
2. Name one reason the Constitution is called the supreme law.
3. Whose rights are guaranteed by the Constitution?
4. Name one of the three main principles of the Constitution.
5. Who controls the government in the United States? How?
6. What was the main difference between the Articles of Confederation and the Constitution?
7. Name one authority the people in the United States have under the Constitution.
8. How did the Founding Fathers make sure that no person or group of people could control the government?
9. What are the three branches of government?
10. What is the purpose of the Preamble and Articles of the Constitution?
11. Can the Constitution be changed? If so, what is the name of the process?
12. How many amendments to the Constitution were there as of 1987?
13. What are the first 10 amendments called?
14. Name one right guaranteed by the 1st amendment.
15. Name one amendment which helps protect the rights of people accused of committing a crime.
16. Name one amendment which guarantees voting rights.

## NOTES

## NOTES

## II.

# THE FEDERAL GOVERNMENT

The Constitution defines, directly or indirectly, the structure and responsibilities of the federal government. According to the Constitution, any power not specifically given to the federal government is a power of the states. The country has changed tremendously since 1787 when the Founding Fathers wrote the Constitution. Changing circumstances have made it necessary to amend or change the Constitution and to expand the federal government. The principles behind the government have not changed even though the federal government has grown.



The White House (South Lawn)

*Washington Convention and Visitors Association*

## THE EXECUTIVE BRANCH

Of the three branches of the government, the **executive** branch is perhaps the most complex. Its job is to enforce the laws of the United States. It is made up of:

- the President;
- the Vice President;
- the executive departments; and,
- the independent agencies.

Each has special powers and functions. These are the general powers:

- The President acts as leader of the country and Commander in Chief of the military. He or she directs the federal government and enforces federal laws.
- The Vice President **presides** over the Senate and votes in case of a tie. He or she becomes President if the President is disabled or otherwise cannot serve.
- The departments, and their heads, the **Cabinet** members, advise the President on specific policy issues and help carry out those policies.
- The independent agencies help carry out policy or provide special services.

### The President

The Presidency is the highest office in the country. According to the Constitution, the President must:

- be a natural-born citizen of the United States;
- be at least 35 years old by the time he/she will serve; and,
- have lived in the United States at least 14 years.

If a person meets these qualifications, he or she may run for President in the election.

Presidential elections occur every four years. Presidential **candidates** are chosen by their **political parties** in the months before the election. A political party is a group of people who have similar ideas about how the government should be run. Each party chooses its candidates in the following way:

- Each party holds **primary elections**, conventions or caucuses in every state.
  - The candidates **campaign** and
  - The people who belong to each party vote for the person they believe would be the best candidate; and,
- Each party holds a national convention.
  - Party members meet to choose the candidates for President and Vice President.
  - The Presidential candidate is usually the person who has won the most primary elections or conventions.
  - All states are included in the national convention of the party.

Some parties are too small to have primaries. They hold conventions to choose their candidates. The **Republican** and **Democratic** parties are the largest in the United States, but there are many smaller political parties. Candidates for public office also may be independent; that is, they do not have to belong to a political party.

After all candidates are chosen, the campaign begins for the **general election**. The winner of that election becomes President. The procedure for the general election is as follows:

- It is always held on the first Tuesday *after* the first Monday in November;

- People in each state vote *indirectly* for their choice for President:
  - the **Electoral College** actually elects the President;
  - the people vote to choose electors who will vote for the Presidential candidate;
  - the number of electors is the same as the number of Representatives plus the number of Senators the state has;
  - in this way, the states keep their **influence** over the election of the President;
- The electors from each state meet on a specified date:
  - they do not vote for the person they want to be President;
  - they vote for the choice of the largest number of people in their state; and,
- The candidate with more than half of the electoral votes wins. (If no candidate has more than half of the electoral votes, the House of Representatives chooses one of the candidates.)

The newly elected President is **inaugurated** on January 20, two months after the November election. Each President may serve only two terms. Each term is four years.

The President has many duties and responsibilities, most of which are listed in the Constitution. The main ones are:

- to enforce laws and treaties of the United States;
- to conduct **foreign policy** (subject to certain limits placed by Congress and the Constitution);
- to serve as Commander in Chief of the armed forces;
- to approve or **veto** the bills which Congress passes;
- when appropriate, to **pardon** people found guilty of breaking federal law;

- to appoint people to certain positions, subject to Senate approval:
  - heads of executive departments, or Cabinet members;
  - heads of independent executive agencies;
  - Supreme Court justices and judges of other federal courts; and,
- to advise Congress on his/her perception of the nation's needs.

## **The Vice President**

The Vice-Presidency is the second highest office in the country, next to the Presidency. If the President dies, leaves office, or cannot perform his/her duties, the Vice President becomes President. For this reason, the Vice President must meet the same requirements as the President:

- be a natural-born citizen of the U.S.;
- be at least 35 years old by the time he or she will serve; and,
- have lived in the United States at least 14 years.

The Constitution established that the Vice President would be the person who received the second highest number of electoral votes, but that did not work well. Often the person who received the second highest number of votes had been the **opponent** of the person who had the most votes. When they became President and Vice President, they could not always work well together. The 12th amendment, in 1804, established separate ballots in the Electoral College for President and Vice President. First the electors vote on the President and then the Vice President. The President and Vice President run together in the general election.

The Vice President has special duties and responsibilities, most of which are listed in the Constitution. The most important ones are:

- to serve as Acting President if the President is disabled, for example, during an operation;
- to preside over the Senate, and vote in case of a tie;
- to act as a link between the President and the Senate;
- to participate in **Cabinet** meetings; and,
- to serve as a member of the National Security Council.

Laws also have been passed to establish a **succession** to the Presidency, in the event that both the President and the Vice President are unable to serve. The next in line, after the Vice President, is the Speaker of the House of Representatives, then the President **pro tempore** of the Senate, then the Secretary of State. The **line of succession** then includes the other Cabinet members in a set order. This order makes certain that the country will never be without a leader. The descriptions of the executive departments which follow are in the same order as the line of succession.

### **The Cabinet**

The members of the Cabinet are the heads of the executive departments and usually are called **Secretaries**. (The head of the Department of Justice is the **Attorney General of the U.S.**) The Constitution did not set up a Cabinet, but every President, beginning with George Washington, has had a Cabinet to advise him and to carry out his instructions. The Cabinet and the departments are very helpful in carrying out the policies of the government which affect almost everyone living in the United States.

During George Washington's Presidency, there were only four Cabinet members: Secretary of State, Secretary of Treas-

ury, Secretary of War, and Attorney General. As of 1987 there were 13 departments, showing how much the nation has grown and changed. Perhaps in the future more departments will be added or some will be **abolished**. This will depend on the needs of the nation. The 13 departments and their main responsibilities are:

#### **Department of State**

- Advises the President in making and conducting foreign policy.
- Provides information and advice about other countries.
- Provides services to Americans traveling or living abroad.
- Conducts consular affairs and services, such as providing visas.
- **Negotiates** treaties and agreements with other countries.

#### **Department of the Treasury**

- Advises the President on financial matters.
- Operates the Customs Service which regulates exports from and imports to the U.S.
- Designs and prints currency and makes coins.
- Maintains the Secret Service which provides protection to high-ranking government officials.
- Finds and arrests banking and currency law violators.
- Operates the Internal Revenue Service which collects income taxes.

#### **Department of Defense**

- Advises the President on military matters.
- Provides military forces to protect national security.
- Responsible for national defense.
- Directs the Army, Air Force and Navy, including the Marine Corps.

### **Department of Justice**

- Advises the President on legal matters.
- Protects rights guaranteed by the Constitution.
- Represents the United States in all legal matters.
- Conducts cases in the Supreme Court if the U.S. is involved.
- Through the Immigration and Naturalization Service, enforces immigration laws and provides information and processes applications for immigrants who wish to become citizens.
- Maintains the federal prison system.

### **Department of the Interior**

- Advises the President on conservation issues.
- Maintains most nationally owned public lands and natural resources.
- Administers programs for Native American groups.
- Works to identify, protect and restore endangered species of fish, wildlife and plants.
- Administers the national parks, monuments, historic sites and recreation areas through the National Park Service.

### **Department of Agriculture**

- Advises the President on problems of farmers.
- Researches efficient agricultural methods.
- Provides loans to help family-size and smaller farms.
- Inspects and grades agricultural produce, such as meat and poultry, which appears in the grocery store.
- Provides nutrition programs for low-income persons.
- Helps farmers get a fair price for their crops.
- Operates national forests.

### **Department of Commerce**

- Advises the President about the country's business matters.
- Promotes and develops domestic and foreign trade.
- Conducts the **Census** every 10 years.
- Issues patents.
- Studies transportation and travel.
- Provides weather reports to the public.

### **Department of Labor**

- Advises the President on the welfare of workers.
- Administers labor laws to ensure safe and healthful working conditions, minimum wage laws, overtime pay rates, freedom from employment **discrimination**, unemployment insurance, and workers' compensation.
- Administers job training programs to help disadvantaged persons attain self-sufficiency.
- Protects rights of union members.

### **Department of Health and Human Services**

- Advises the President on health and welfare policies and programs.
- Works to improve health services.
- Works to prevent and control disease.
- Administers assistance programs, such as Social Security, Aid to Families with Dependent Children, Aid to the Blind, and refugee assistance programs.

### **Department of Housing and Urban Development**

- Advises the President on housing programs and community development.
- Works to improve housing and living conditions.
- Provides low interest loans to promote home ownership and development of low cost housing.

### **Department of Transportation**

- Advises the President on transportation matters.
- Develops policies and programs to promote safe, fast, convenient and efficient transportation.
- Maintains the Coast Guard which enforces safety **regulations** for vessels, and saves lives and property at sea.
- Promotes development of air transportation, highways, and railroads.

### **Department of Education**

- Advises the President on education programs and plans.
- Works to improve education in the U.S.
- Provides support for special education.
- Publishes reports on the condition of education.
- Administers programs providing educational services, such as bilingual, vocational and adult education.
- Assists many students in paying for post-secondary schooling through grants, loans and work study programs.

### **Department of Energy**

- Advises the President on energy planning and policy making.
- Researches new, efficient and cost-effective forms of energy.
- Promotes conservation of energy.
- Researches and provides information on energy trends.
- Regulates energy rates and grants licenses.

## Independent Agencies

In addition to the departments, there are independent agencies in the executive branch. They are not departments because they serve a very specific need or they are intended to be temporary. There are dozens of agencies, and they change more frequently than departments. Some of these agencies and their main responsibilities are:

- **Commission on Civil Rights** tries to prevent discrimination on the basis of race, color, religion, sex, age, handicapping condition, or national origin.
- **Consumer Product Safety Commission** investigates and reports on the safety of consumer products.
- **Environmental Protection Agency** sets standards for clean air and water; helps industry and local government clean up polluted areas.
- **Federal Deposit Insurance Company (FDIC)** insures the money deposited in banks which belong to the FDIC system.
- **Federal Election Commission (FEC)** tries to keep elections to federal office honest and fair.
- **Federal Reserve Board** helps the nation's economy grow, by controlling the money. The Federal Reserve loans money only to banks.
- **Federal Trade Commission (FTC)** promotes fair competition in the economy.
- **National Aeronautics and Space Administration (NASA)** promotes and develops programs which are devoted to the peaceful use of space. NASA plans and carries out all space flights, including the space shuttle, and works to develop the space station program.
- **National Labor Relations Board** attempts to protect the rights of both employer and employee to have fair labor relations.

- **Small Business Administration (SBA)** counsels, assists and protects small business interests. The SBA provides loans, education and assistance to small businesses.
- **United States Information Agency (USIA)** publicizes aspects of U.S. culture, policy and opinions abroad to encourage understanding of the U.S. in other countries. It produces Voice of America and Radio Marti broadcasts.
- **United States Postal Service** is responsible for delivering nearly 150 billion pieces of mail throughout the U.S. each year.
- **Veterans Administration (VA)** provides services to men and women who served in the U.S. armed forces. The VA helps veterans and their families with education, loans, medical services, and **compensation** to disabled veterans or to the families of those who died.

## THE LEGISLATIVE BRANCH

The legislative branch, or Congress, makes the laws which govern the nation. Congress is divided into two houses, the **Senate** and the **House of Representatives**. This is called a **bicameral** legislature. The House and Senate have some separate and some shared responsibilities. The shared duties and responsibilities as written in the Constitution are:

- regulating money and trade, including
  - printing or coining of money,
  - borrowing of money by the government,
  - **levying** and collecting taxes, and,
  - regulating trade between states and with foreign countries;



House of Representatives Chamber, U.S. Capitol

*Architect of the Capitol*

- providing for the national defense, including
  - maintaining the Army, Navy and Air Force, and
  - declaring war;
- making laws regarding naturalization of persons seeking citizenship;
- establishing post offices;
- regulating the system of weights and measures; and,
- passing laws to govern the District of Columbia, the nation's capital.

The separate responsibilities, as written in the Constitution, are:

- **House of Representatives:**
  - introducing bills about the budget or taxes,
  - **impeaching** officials; and,



Senate Chamber, U.S. Capitol

*Architect of the Capitol*

- **Senate:**

- determining if impeached officials are innocent or guilty,
- confirming Presidential **appointments**, and
- ratifying treaties between the U.S. and other governments.

The Constitution also lists some things Congress may **never** do:

- tax exports;
- pass trade laws which do not treat all states equally;
- spend tax money without a law to authorize it;
- authorize any title of nobility;
- pass a law to punish someone for an act which was legal when the person did it; and,
- pass any law which takes away a person's right to a trial in court.

## Passing a Law

Congress spends most of its time passing **legislation** or laws. A complex procedure is followed to make sure that many different people have a chance to discuss the **bill**, ask questions about it, and change (amend) it if they think it needs to be changed. The procedure is as follows:

- Either a Senator or a Representative may introduce a bill which he/she wants to become a law.
  - The *exception* is that only Representatives may introduce tax or budget bills.
- A **committee of the House of Congress** in which the bill was introduced studies the bill. The bill can be:
  - amended,
  - rewritten,
  - recommended for passage without changes,
  - **tabled** or ignored, or
  - reported back to its House with no recommendation, after which it usually does not become law.
- Unless tabled the bill goes to its House of Congress for **debate**.
  - The committee makes a report on the bill.
  - The House debates and amends the bill, if needed.
  - The House either passes or defeats the bill.
- If the bill passes the first House, it is sent to the other House.
  - The second House debates the bill.
  - If the bill is amended, it must be sent back to the first House. Both Houses of Congress must agree on the amendments.

- If the bill passes both Houses in the same form, it is sent to the President. He can:
  - sign it. Then it becomes law.
  - do nothing. After 10 days, if Congress stays in session, it becomes law.
  - do nothing. If Congress **adjourns** within 10 days, it does not become law.
  - veto it. It does not become law.
- Congress may pass the bill over the President's veto by a two-thirds vote of both Houses.

### Structure

The two Houses of Congress are set up very differently. (See the United States History book, chapter IV.) The Senate is the smaller House. Its structure and requirements for serving are explained below.

- The Senate has 100 members (Senators).
  - There are two from every state.
  - Each Senator represents the whole state.
  - Members are elected for six-year terms.
  - Elections for one-third of the Senate seats are held every two years.
  - There is no limit to the number of times a Senator may be re-elected.
- Its officers include:
  - the Vice President, who presides and votes only in case of a tie, and
  - the President pro tempore, a Senator chosen to preside when the Vice President is not there.
- To be a Senator, a person must be:
  - at least 30 years old,
  - a citizen at least nine years, and,
  - a resident of the state he/she represents.

The House of Representatives is set up differently from the Senate. It also has different qualifications.

- The House of Representatives has 435 members (Representatives).
  - The number of Representatives from each state varies, and this number is based on the population.
    - Each state has at least one Representative.
    - The District of Columbia has one Representative who does not vote.
  - Most states are divided into districts. A Representative of the people is chosen in each district.
  - Members are elected for two-year terms.
  - There is no limit to the number of times a Representative may be re-elected.
- The Speaker of the House presides.
  - The Speaker of the House is elected by the other Representatives.
  - The Speaker is usually a member of the majority party.
- To be a Representative, a person must be:
  - at least 25 years old,
  - a citizen at least seven years, and
  - a resident of the state he/she represents.

The Constitution established that the Congress must meet regularly. A new Congress begins every two years, with the election of new Senators and Representatives. The time they meet to make laws is called a **session**. Congress meets in the Capitol Building in Washington, D.C. The House of Representatives has a large room, the Senate a smaller one, and the President has some offices for his/her use. Many people visit the Capitol Building each year to see where their members of Congress make laws.



**U.S. Capitol**

*Architect of the Capitol*

## THE JUDICIAL BRANCH

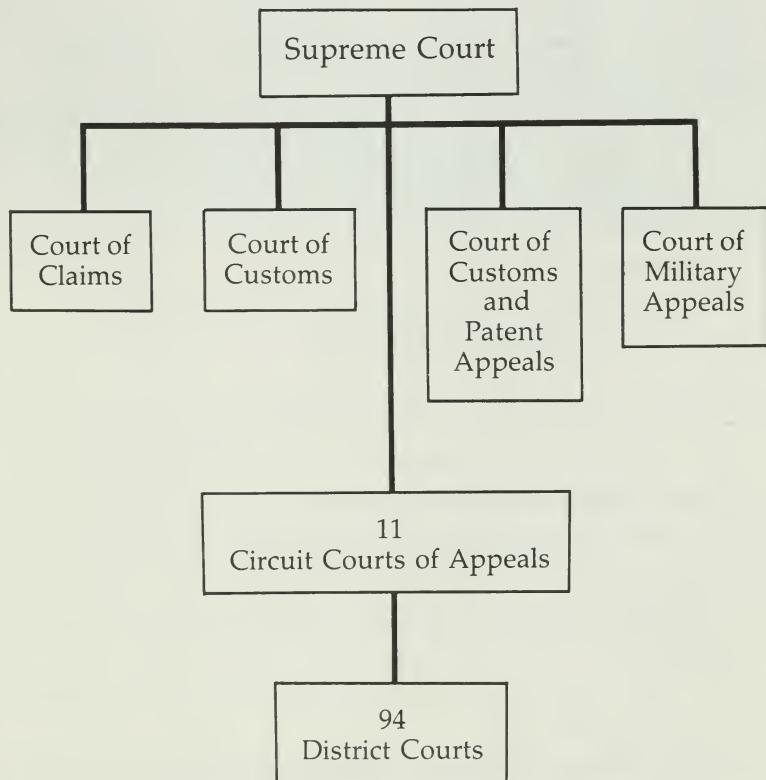
The judicial branch is made up of different federal courts. It is responsible for explaining and interpreting the laws. People take cases to court to preserve the rights guaranteed to them in the Constitution and by law. They also can take cases to court if they believe the laws passed by Congress or by a state are **unconstitutional**.

### Structure

The court structure in the United States is **hierarchical**. There are local, state and federal courts, as well as different courts for different purposes. The establishment of the federal courts is provided in Article III of the Constitution, but most of the structure was decided later. (See Exhibit 2.)

**EXHIBIT 2**

**THE COURT STRUCTURE**



- The **Supreme Court** is the highest court in the country.
  - It was established by the Constitution.
  - Its **ruling** is the final decision on a case.
- **Circuit Courts of Appeals** are the second highest courts, a step below the Supreme Court.
  - There are 11 Circuit Courts in the United States.
  - They hear **appeals** from lower courts, when people believe something was unjust about the decision of the lower court.
- **District Courts** are the lowest level of federal courts.
  - As of 1987, there were 94 district courts in the United States.
  - If a person is accused of breaking a federal law, he/she will be tried in a district court.
- Congress also has set up some **special courts**:
  - Court of Claims,
  - Customs Court,
  - Court of Customs and Patent Appeals, and
  - Court of Military Appeals.

The federal courts have special duties:

- to explain the meaning of the Constitution, laws of the United States and treaties;
- to settle legal disputes between citizens of different states;
- to settle legal disagreements between two or more states;
- to settle legal questions between states and the federal government;
- to settle legal disagreements between individuals and the federal government;
- to settle disagreements between states and foreign governments or their citizens; and,
- to naturalize persons as United States citizens.



U.S. Supreme Court

*Library of Congress*

## The Supreme Court

The Supreme Court—the highest court in the United States—cannot be abolished except by amending the Constitution. Nine judges, called **Justices**, sit on the Supreme Court in Washington, D.C. One of the judges is chosen as **Chief Justice**, who acts as the leader. The Supreme Court has two types of authority:

- As an **appellate court**, it can overturn decisions made by lower courts.
  - Most cases it hears are appeals, in which people believe the decision of a lower court was not fair.

- The *exception* is that cases involving foreign diplomats originate in the Supreme Court.
- As the Supreme Court, it can declare a state or federal law unconstitutional.
  - That means the law disagrees with the Constitution and must be abolished.
  - The decision is final.

### Appeals

One of the most important rights in the United States is the right to a fair trial. The appeals process is set up to help make sure that people have as fair a trial as possible. Sometimes a person believes justice was not served at his/her trial because he/she believes:

- his/her rights were violated;
- a rule of law was not properly followed; or,
- all the evidence was not available.

That person may try to appeal his/her case to a higher court. The judge may agree with the:

- person and overturn the lower court's decision; or,
- lower court and uphold the decision.

The person may try to appeal again if he/she still is not satisfied. Courts will not always hear appeals, however. The Supreme Court does not hear all appeals because:

- the Supreme Court is busy, and wants to be able to give enough time to each case;
- it usually hears cases which involve complex questions about the protection of rights; and,
- sometimes the Justices decide in a **preliminary** review that the lower court gave the right decision.

## MAKING IT WORK

The United States government seems complicated to many people because it has so many parts. Each branch has its specific functions. The branches work together to make a government which can best serve the interests of all the people. The three branches make the system of government by law work:

- the **legislative branch** makes the laws;
- the **executive branch** puts the laws into effect; and,
- the **judicial branch** applies and explains the laws.

Just as the three branches work together, they also serve to **check and balance** each other. This important principle was written into the Constitution so that the branches would have the same amount of power. There are several ways the branches check and balance each other:

- The Supreme Court can declare a law passed by the Congress or an action by the President to be unconstitutional.
- The President can veto a law passed by Congress.
- Congress can pass a law **overriding** the President's veto.
- The President appoints Supreme Court Justices.
- Congress can refuse to confirm appointments made by the President.

## RESPONSIBILITIES

Both citizens and the government have responsibilities to each other. It is important for each to fulfill their responsibilities. Some citizen responsibilities are to:

- be an informed and regular voter;
- obey laws;

- pay taxes honestly and on time; and,
- express concern and requests about the government in a peaceful and helpful way.

Some government responsibilities are to:

- protect and enforce the rights guaranteed in the Constitution;
- spend people's tax money wisely; and,
- be responsive to citizens' requests.

## DEFINITIONS

### **ABOLISH**

To do away with; to put an end to.

### **ADJOURN**

To stop or interrupt a meeting or session for a certain length of time.

### **APPEAL**

A request for a new hearing with a higher court.

### **APPELLATE COURT**

A court which has the power to hear **appeals** and reverse court decisions.

### **APPOINTMENT**

An office or position for which one is chosen, not elected.

### **BILL**

A proposed law which is being considered for approval.

### **CAMPAIGN**

An attempt to convince people to vote for someone for public office.

### **CANDIDATE**

A person seeking an office or position.

### **CENSUS**

An official count of the population.

### **COMMITTEE**

A group of people officially chosen to investigate or discuss a particular issue.

### **COMPENSATION**

Payment to make up for loss or damage.

### **DEBATE**

To discuss reasons for and against an issue or idea.

### **DELEGATE**

To authorize a person or persons to represent the rest of the people.

**DISCRIMINATION**

Being treated differently, usually worse, for some characteristic such as race, religion, national origin or sex. Discrimination is discouraged in the U.S.

**EXECUTIVE**

Person or group of persons responsible for governmental affairs and enforcement of laws.

**FOREIGN POLICY**

The way a country treats and relates to the other countries of the world.

**GENERAL ELECTION**

A voting process involving most or all areas of the nation or state.

**HIERARCHICAL**

Ordered by rank or authority.

**IMPEACH**

To charge a public official with committing a crime.

**INAUGURATE**

To place in office by a formal ceremony.

**INFLUENCE**

The power to produce or cause an effect.

**LEGISLATION**

The act or procedure of making laws; a law or laws made by such a procedure.

**LEVY**

To collect, a tax, for example.

**LINE OF SUCCESSION**

Order to succession.

**NEGOTIATE**

To discuss and compromise on an issue to reach an agreement.

**OPPONENT**

Person who ran against others in an election for an office or a position.

**OVERRIDE**

To nullify; to pass over.

**PARDON**

To forgive a person for something he/she did wrong; to release or free a person from punishment.

**PRELIMINARY**

Introductory; something that comes before and is necessary to what follows.

**PRESIDE**

To hold the position of authority; to be in charge of a meeting or group.

**PRIMARY ELECTION**

Election by which the candidate who will represent a particular political party is chosen.

**PRO TEMPORE**

For the time being; temporarily.

**REGULATION**

Rule or order which controls actions and procedures.

**RULING**

The official decision of a court on the case being tried.

**SUCCESSION**

Order in which one person follows another in replacing a person in an office or position.

**TABLE**

To postpone or delay making a decision on an issue or law.

**UNCONSTITUTIONAL**

In conflict with a constitution.

**VETO**

Power of the head of the **executive** branch to keep a bill from becoming law.

## REVIEW QUESTIONS

1. Which branch of the federal government is responsible for enforcing laws?
2. In which branch of the federal government do the President and Vice President work?
3. Name one power of the President.
4. Name one qualification of the Presidency.
5. How often do Presidential elections occur?
6. What is the purpose of primary elections in choosing a President?
7. How is the President elected?
8. How many terms may the President serve?
9. Name one duty or responsibility of the President.
10. What is the second highest office in the United States?
11. Why is there a Vice President?
12. What qualifications must the Vice President have? Name at least one, or describe in general terms.
13. Name one duty or responsibility of the Vice President.
14. Describe in general terms what happens if both the President and Vice President cannot serve.
15. What is the Cabinet?
16. What is the role of the Cabinet?
17. Name one executive department, and one of its responsibilities.
18. Name one independent agency, and one of its responsibilities.
19. What does the legislative branch do?
20. Why is Congress called a **bicameral** legislature?
21. What are the two Houses of Congress called?
22. Name one responsibility the Senate and House of Representatives share.
23. Name one responsibility of either the Senate or House of Representatives that is not shared.
24. Name one thing Congress is forbidden by the Constitution from doing.
25. What is a law called before it is passed?
26. How many Senators are there in Congress?

27. How many Senators does each state have?
28. How many years is the term of office of a Senator?
29. How many terms may Senators and Representatives serve?
30. Name a qualification for being a Senator.
31. How many Representatives are there in Congress?
32. How is the number of Representatives determined for each state?
33. How many years is the term of office of a Representative?
34. Name one qualification for being a Representative.
35. Where does Congress meet?
36. Name the main responsibility of the judicial branch.
37. What is the name of the highest court in the country?
38. Name one other kind of federal court.
39. Name one duty of the federal courts.
40. What is the title of the judges of the Supreme Court?
41. What special power does the Supreme Court have?
42. What right do people have who believe they did not receive a fair trial?
43. Name one way the three branches check and balance each other.
44. What is the name of the current President?
45. Who is the current Vice President?
46. Who is the Representative from your district?
47. Who are the Senators from your state?

## NOTES

## NOTES

## NOTES

## III.

# STATE GOVERNMENT

When the Founding Fathers wrote the Constitution in 1787, the United States only had 13 states. The Founding Fathers believed that more states would want to join the Union in the future. They saw that it would be important for new states to have the same type of government as the original states had. There were 50 states as of 1987, all of which have these characteristics:

- state government is based on a state constitution;
- state has a **republican** form of government;
- state constitution does not contradict the U.S. Constitution; and,
- there are three branches of government—legislative, executive, judicial:
  - separation of powers,
  - **checked and balanced** by each other and by the federal government.

### AUTHORITY

The states have primary responsibility for many aspects of government. Often the state and federal government work together to provide services. Sometimes the state receives federal aid for specific programs. Some services for which the state has primary responsibility include:

- protection of lives and property by maintenance of a police force;

- regulation and improvement of transportation within the state.
- regulation of business within the state; and,
- education.

In providing services the federal and state governments work as partners. Often the federal government provides most of the funding while the state primarily provides distribution though it varies from program to program. Some of these services include:

- health care;
- public assistance for persons in need;
- protection of natural resources; and,
- improvements in living and working conditions.

The Constitution **delegates** any authority not specifically given the federal government in the Constitution to the states. Since the early years of the country, the role of the federal government has grown. Technical advances, such as the telephone, airplane and computer, have brought people and places closer together than they were in 1787. The expanded role of the federal government reflects those changes. State governments, however, serve an important purpose. They are closer to the people than the federal government and can be more responsive to the specific needs of the people in their states.

The Constitution puts one major limitation on state authority. Article VI states that the Constitution, federal laws, and treaties between the U.S. and other countries make up the supreme law of the country. If state or local laws **contradict** any of those, the state or local law can be declared **unconstitutional** by the Supreme Court. Recently, the Supreme Court has used this authority to help guarantee that people's **civil rights** are protected. It has declared laws unconstitutional if they discriminate against people for reason of race, religion, political beliefs or national origin.

## STRUCTURE

State governments are set up through state constitutions, which usually have four sections. These sections are the:

- preamble;
- bill or declaration of rights;
- outline of the structure of the government; and,
- methods for changing the constitution.

These sections are similar to those in the U.S. Constitution, in form and often in content. The sections usually consist of a:

- **preamble:**
  - states the purpose and that the authority of the government comes from the people;
- **bill of rights:**
  - includes many of the same rights as in the U.S. Constitution's Bill of Rights;
  - sometimes additional rights, such as the right to work, are included;
- **structure section:**
  - sets up the three separate branches: the executive, judicial and legislative; and,
- **methods of change:**
  - states the procedure for amending or re-drafting the constitution.

State constitutions sometimes set up procedures or guarantee rights not mentioned in the U.S. Constitution. Some states guarantee that workers will not lose their jobs if they do not belong to a union or have a special statement on equal rights for women. States also must establish procedures for local governments within the state, such as the process for granting a city **charter**. Some states provide their citizens with opportunities for **direct democracy**. The federal government could

not easily do this because the number of people and size of the country would make it difficult to implement. The states, being smaller and more able to respond to local needs than the federal government, often provide one or more types of direct democracy. The major types are the

- **initiative;**
- **referendum;** and,
- **recall.**

The *initiative* usually is used to pass laws or amend the state constitution. A group of concerned citizens draws up a **petition**. The petition states the problem and a solution. If the required number of people signs the petition, the issue is put on the ballot and the people vote on it. At least 50 percent (or half) must vote in favor of the issue for it to pass.

*Referenda* work in a slightly different way. There are three different types: the *compulsory referendum*, *optional referendum*, and *petition or protest referendum*. Some states require that certain issues, such as amendments to the state constitution, be submitted to a popular vote. This is the *compulsory referendum*. State legislatures sometimes use the *optional referendum* to settle a highly **controversial** issue. When the citizens vote, that tells the legislature what the people believe should be done about the issue. The *protest referendum* gives citizens who are not pleased with a law a chance to overturn the law. A certain number of citizens must sign a petition to submit the issue to popular vote. The outcome of the vote determines whether the law remains or is overturned.

The *recall* provides citizens with a chance to remove an official from office. Sometimes judges and appointed officials are **exempt** from recall. In other states the citizens can vote to remove any public official who they believe is not serving the best interests of the government and people. As with the initiative and the protest referendum, a certain number of people must sign a petition to put the recall issue on the ballot. These

examples of direct democracy—the initiative, referendum, and recall—provide citizens with the opportunity to be involved in issues which they consider very important.

State and local government, like the federal government, is based on the principle of **representative democracy**. Though many states provide opportunities for direct democracy, most governing is done by elected representatives. One of the most important functions of the state constitution is to establish the structure of the state government. All state governments have three branches—the executive, legislative and judicial. Details of government structure vary between states, but the basic structure is similar. For information about a specific state, contact its *League of Women Voters*, the *National Municipal League*, or another civic group.

### Executive Branch

The head of every state government is the governor. The qualifications, term of office and powers of the governor are listed below:

- Qualifications vary, but candidates for governor of a state usually must be qualified voters, citizens of the U.S., of a certain age (usually more than 30) and have lived in the state a certain period of time (often 5 years).
- The term of office varies, usually either two or four years.
  - In some states, there is a limit to the number of times the governor can serve.
- The powers of the governor are similar in all states:
  - Advise the state legislature on the laws needed;
  - Call special sessions of the state legislature;
  - Serve as head of the state's **National Guard**;

- Pardon or decrease sentences of people convicted in state courts, when appropriate.
- If the governor dies or is unable to serve, the **lieutenant governor**, whose position is similar to that of the Vice President, becomes governor.

The governor has a group of advisers, similar to the President's Cabinet, who perform special services for the state. In some states, voters elect these officials, and in others the governor appoints them. Some of these are:

- Secretary of State, who keeps official records and publishes state laws;
- Attorney General, who represents the state in court;
- Treasurer, who receives tax money and pays bills for the state from that money;
- Auditor or Comptroller, who keeps track of the financial matters in the state; and,
- various commissioners, who are concerned with such issues as labor, banking, public utilities, and health.

The governor and his/her advisers not only carry out the laws passed by the state legislature, but propose new laws. Governors often are elected on a specific **platform** and try to get the legislature to pass their new proposals.

### **Legislative Branch**

Each state has a legislature similar to the federal government. Forty-nine of the states have **bicameral legislatures**, meaning they have two houses, similar to the federal government. (Nebraska is the exception—it only has one house.) The two houses usually are called the **house of representatives** and the

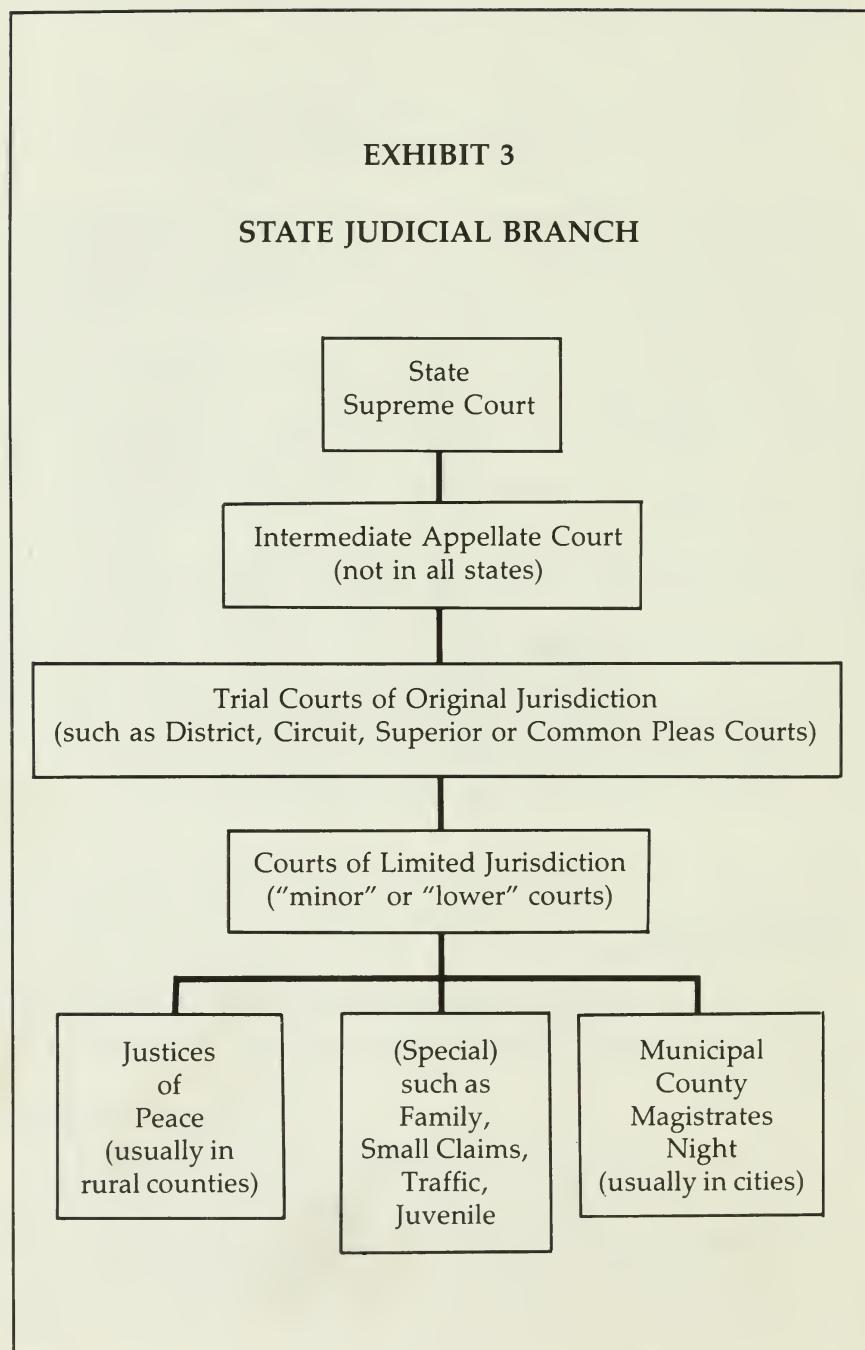
**senate.** Each state sets its own requirements and structure for its legislature.

- The purposes of all state legislatures are:
  - to make laws about state matters, and
  - to represent the interests of its citizens.
- The term of office varies from state to state. Usually, a term is four years in the senate and two years in the house of representatives. However, it can be four years or two years in each.
- Distribution of representatives differs by state.
  - Some states have a set number of representatives for a set geographic area, such as one representative for every 10 square miles.
  - Some states have representation based on population, such as a representative for every 20,000 people.
  - In some states, representatives are *at-large*, and all voters help elect all representatives.
- The procedure for making laws is similar to the procedure followed in the federal government.

## Judicial Branch

The state courts have a **hierarchy** which is similar to the federal system. (See Exhibit 3.) The structure, from lowest to highest, is:

- justice of the peace, municipal, county or special courts;
- district, superior, circuit or common pleas courts;
- intermediate appellate courts (not in all states); and,
- state supreme court.



There are two kinds of cases: **civil** and **criminal**. Judges, who usually are elected, **preside** over all cases. Most cases also have **juries**. Trial by jury is guaranteed by the U.S. Constitution in most cases. Juries consist of citizens who listen to the lawyers argue both sides of the case and to the judge's instructions. Then the jury decides, by a vote, whether the accused person is guilty or innocent. The jury also may make recommendations about punishment of those found guilty, but the judge has the final authority on punishment and **sentencing**.

State courts only hear cases that involve state or local laws, so they have somewhat different duties than federal courts. Some of their duties are:

- to explain state laws;
- to tell how state laws apply;
- to settle disagreements between citizens in a state;
- to decide guilt or innocence of breaking a state law; and,
- to decide if state laws are unconstitutional.

## RESPONSIBILITIES

Citizens and state governments have important responsibilities to each other. Since states have fewer people than the country, citizens have more personal contact with their state governments. Usually it is easier for the citizen and state to remind each other of their responsibilities. Citizens in the state have a responsibility to:

- obey state laws;
- pay their state taxes;
- vote in all state elections; and,
- be informed and participating citizens.

States have responsibilities to their citizens to:

- protect the lives and property of people in the state;
- provide certain basic services, such as education; and,
- provide government and justice according to state and federal laws.

## DEFINITIONS

### CHARTER

A written grant which establishes a local government, corporation or other institution, and defines its purposes and privileges.

### CHECKS AND BALANCES

System of government which maintains balance of power among the branches of the government. Sets limits on the power of each branch. Sets up ways for each branch to correct any misuses of power by the other branches.

### CIVIL

Relating to the rights of individuals, such as property and personal freedoms. Also, court cases which are not **criminal** or military, but relate to the violation of these rights by another individual.

### CIVIL RIGHTS

Rights which belong to a person because of his or her being a member of a particular society, for example, an American.

### CONTRADICT

To conflict with; to oppose.

### CONTROVERSIAL

Relating to issues about which people have and express opposing views.

### CRIMINAL

Relating to court cases in which a person has been accused of committing an action that is harmful to the public, such as murder or burglary.

### DELEGATE

To grant or assign responsibility to another.

### DIRECT DEMOCRACY

The people vote to make all decisions about their government.

**EXEMPT**

Free or excused from a requirement or duty.

**HIERARCHY**

The order in which authority is ranked.

**JURY**

A group of people chosen to hear a case in court. The *jury* makes a decision based upon the evidence.

**NATIONAL GUARD**

A military force in each state which is prepared for duty at the call of the state or federal government. The National Guard often helps people affected by natural disasters.

**PETITION**

A formal request, usually written, for a right or benefit from a person or group with authority.

**PLATFORM**

The stated principles of a candidate for public office or a political party.

**PRESIDE**

To hold the position of authority; to be in charge of a meeting or group.

**REPRESENTATIVE DEMOCRACY**

The people choose or elect officials to make decisions for them about their government. On some issues, however, the people vote, rather than their representatives.

**REPUBLICAN**

Democratic; representative.

**SENTENCE**

Judgment or decision; usually a decision on the punishment for a person convicted of a crime.

**UNCONSTITUTIONAL**

In conflict with a constitution.

### REVIEW QUESTIONS

1. Name one of the characteristics shared by all state governments.
2. Name one service primarily provided by state governments.
3. Name one service shared by the state and federal governments.
4. What is the main limitation on state authority as given in the Constitution?
5. How are state governments set up?
6. Name one of the typical sections in the constitution of a state government and its purpose.
7. What are some possible differences between the U.S. Constitution and state constitutions?
8. What is one type of direct democracy sometimes offered by state governments?
9. How many branches do all state governments have, and what are they called?
10. What is the head of the executive branch of the state government called?
11. Name one power of a governor.
12. What is the function of the lieutenant governor?
13. Why does the structure of the legislature vary from state to state?
14. Name one purpose of the state legislature.
15. What is the name of the highest state court?
16. Who decides guilt or innocence in most trials?
17. Name one duty of the state courts.
18. Who is the governor of your state?
19. Who is the representative from your district to the state legislature?
20. Who is the senator from your district to the state senate?

## NOTES

## NOTES

## NOTES

## IV. LOCAL GOVERNMENT

Local governments are different from state and federal governments because they are not based directly on a constitution. Instead, the state constitution describes in detail a procedure for establishing local governments. Usually the state legislature has to approve the creation or incorporation of a local government. The local government then receives a **charter** defining its organization, authority and responsibilities. All local governments have at least one characteristic in common: they all have a **republican** form of government. There are several different types of local government:

- city;
- county;
- township; and,
- village.

### AUTHORITY

The amount of authority local governments have varies almost as often as the types of local government. Basically, a local government has the authority to:

- raise taxes;
- try people accused of breaking local laws or **ordinances**; and,
- administer local programs within its boundaries.

Local governments generally provide two types of services:

- those needed only by the local area, such as building a bridge over a nearby river; or,
- protective services, such as police and fire protection.

Local governments receive financial aid from state and federal governments in providing these services according to need. Some of the services which local governments take primary responsibility in providing include:

- making sure that drinking water is safe;
- protecting public health and safety;
- building and repairing local roads and streets;
- providing police and fire protection;
- collecting garbage;
- maintaining schools;
- running or helping to run elections;
- maintaining courts, courthouses and jails;
- collecting taxes for local and state governments; and,
- keeping official records, such as marriage, birth and death.

## STRUCTURE

When each local government is created by the state, the local government's charter sets up its form of government. Some of the most common forms of local government are explained below.

- Cities usually have one of the following types of government.
  - Most cities have an elected **mayor** who is the chief executive, and an elected **city**

**council**, which is similar to a legislature. The mayor and council work together to pass ordinances to govern the city.

- Some cities have a **council-city manager** form of government. A small group of elected representatives hires one person to manage the city. The council functions in the same way as in the council-mayor form of government.
- Some cities have an elected **commission**. The commission performs both legislative and executive functions because there is no executive.
- Counties usually have an elected **board of commissioners or supervisors**.
  - There are also various county officials, such as sheriff, who are either elected or appointed.
  - Some counties also have a county manager, who is similar to a city manager.

One of the most important functions or duties of local government is managing the public schools. People often want to be involved in decisions made about the schools because they want the children in the area to get a good education. Local school districts elect school boards so that the people can be involved. The school board makes decisions about teacher salaries, curriculum, and to a certain extent, funding, as well as many other administrative aspects of maintaining the schools in its district. People in the community often go to school board meetings to publicly state their opinions about what needs to be done in the schools.

Local governments have a court system, which handles local issues, such as traffic laws and small claims. (See Exhibit 3 in chapter II.) Sometimes cases may be **appealed** to the state courts. Judges in local courts are sometimes called justices of

the peace, though many are called judge or magistrate. Local courts tend to specialize in one area of law, such as traffic or family, to make sure that the judge is as knowledgeable as possible. By specializing, local courts try to provide responsive, efficient legal service.

## RESPONSIBILITIES

The responsibilities of both citizens and local government are similar to those at the state and federal level. Many people are more involved in the government at the local level than at the state or federal level, however, for several reasons:

- The services provided by local governments are important in everyday life.
- Since local governments are smaller than the state or federal government, it is easier for people to make their opinions known.
- Often it is possible to see the results of action more quickly at the local level than at the state or federal level.

For these reasons, the responsibility of each citizen to be involved in making his/her community a better place to live also is increased. Citizens are able to attend and speak out at city council or school board meetings, write letters, circulate **petitions** or even run for local office themselves. Taking advantage of these opportunities when one is concerned about an issue enables the whole governmental system to work well for everyone.

## DEFINITIONS

### **APPEAL**

A request for a new hearing with a higher court.

### **CHARTER**

A written grant which establishes a local government, corporation or other institution and defines its purposes and privileges.

### **PETITION**

A formal request, usually written, for a right or benefit from a person or group with authority.

### **REPUBLICAN**

Democratic; representative.

### REVIEW QUESTIONS

1. What is the main difference between the way the federal and state governments are set up and how local governments are set up?
2. What is a common characteristic of all local governments?
3. Name two types of local government.
4. Name two authorities of local government.
5. Name two services primarily provided by local governments.
6. Name one of the common forms of local government.
7. Who is the head of your local government?

## NOTES

## NOTES

## APPENDIX



# Constitution of the United States of America

## PREAMBLE

WE THE PEOPLE of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

## ARTICLE I

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first

meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

SECTION 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice President, or

when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office or honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SECTION 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and the nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days,

nor to any other place than that in which the two Houses shall be sitting.

SECTION 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

SECTION 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approves he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a Navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings;—And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

SECTION 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement

and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any King, Prince, or foreign State.

SECTION 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II

SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows:

Each State, shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an

inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural-born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act

as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

SECTION 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between

them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION 4. The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

### ARTICLE III

SECTION 1. The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SECTION 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more States;—between a State and citizens of another State;—between citizens of different States;—between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not commit-

ted within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainer of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

#### ARTICLE IV

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labour in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due.

SECTION 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States; and nothing in this

Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION 4. The United States shall guarantee to every State in this Union a republican form of Government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

## ARTICLE V

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the Ninth Section of the First Article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

## ARTICLE VI

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

The Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several

States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty seven and of the Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names,

Go. Washington—Presid't.  
and deputy from Virginia

Attest William Jackson, Secretary

### New Hampshire

John Langdon

Nicholas Gilman

### Massachusetts

Nathaniel Gorham

Rufus King

### Connecticut

Wm. Saml. Johnson

Roger Sherman

### New York

Alexander Hamilton

### New Jersey

Wil: Livingston  
David Brearley

Wm. Paterson  
Jona: Dayton

**Pennsylvania**

B. Franklin	Thos. FitzSimons
Thomas Mifflin	Jared Ingersoll
Robt Morris	James Wilson
Geo. Clymer	Gouv Morris

**Delaware**

Geo: Read	Richard Bassett
Gunning Bedford Jun	Jaco: Broom
John Dickinson	

**Maryland**

James McHenry	Danl Carroll
Dan of St. Thos. Jenifer	

**Virginia**

John Blair—	James Madison Jr.
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**North Carolina**

Wm. Blount	Hu Williamson
Richd. Dobbs Spaight	

**South Carolina**

J. Rutledge	Charles Pinckney
Charles Cotesworth	Pierce Butler
Pinckney	

**Georgia**

William Few	Abr Baldwin
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## Amendments

### ARTICLE I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

### ARTICLE II

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

### ARTICLE III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

### ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

### ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled

in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

## ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

## ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact, tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

## ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## ARTICLE IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

## ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

## ARTICLE XI

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

## ARTICLE XII

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a

majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

### ARTICLE XIII

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

### ARTICLE XIV

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male-inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced

in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

## ARTICLE XV

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

## ARTICLE XVI

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

## ARTICLE XVII

SECTION 1. The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

SECTION 2. When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: **Provided**, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

SECTION 3. This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

## ARTICLE XVIII

SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SECTION 2: The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

## ARTICLE XIX

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

## ARTICLE XX

SECTION 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

SECTION 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

SECTION 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

SECTION 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

SECTION 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

SECTION 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the

legislatures of three-fourths of the several States within seven years from the date of its submission.

### ARTICLE XXI

SECTION 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

SECTION 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

### ARTICLE XXII

SECTION 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than 2 years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

SECTION 2. This Article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission to the States by the Congress.

### ARTICLE XXIII

SECTION 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

#### ARTICLE XXIV

SECTION 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

#### ARTICLE XXV

SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

SECTION 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

SECTION 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

SECTION 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

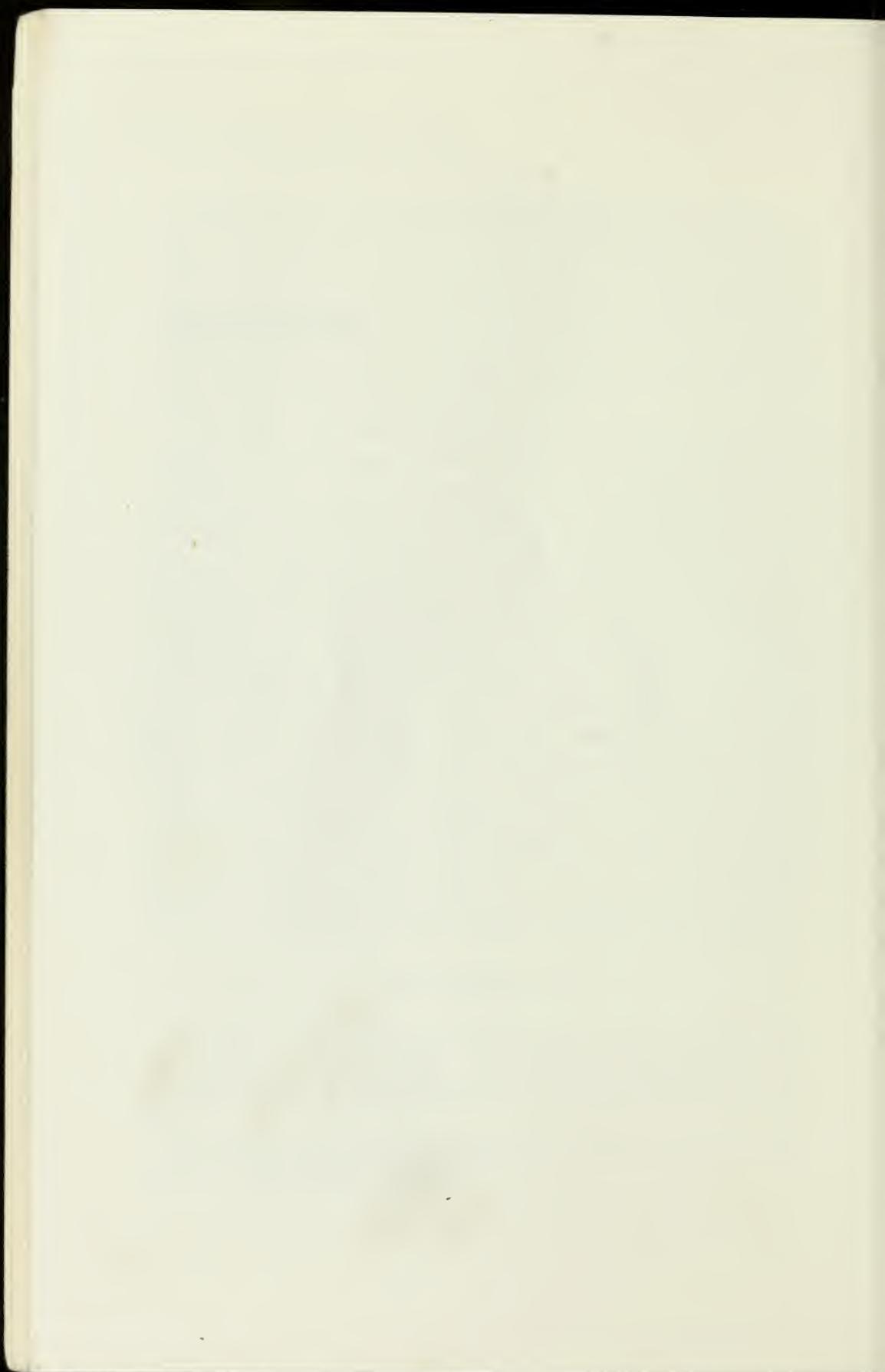
Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

## ARTICLE XXVI

SECTION 1. The right of citizens of the United States, who are 18 years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

## **GLOSSARY**



# **GLOSSARY**

## **ABOLISH**

To do away with; to put an end to.

## **ADJOURN**

To stop or interrupt a meeting or session for a certain length of time.

## **APPEAL**

A request for a new hearing with a higher court.

## **APPELLATE COURT**

A court which has the power to hear **appeals** and reverse court decisions.

## **APPOINTMENT**

An office or position for which one is chosen, not elected.

## **BILL**

A proposed law which is being considered for approval.

## **CAMPAIGN**

An attempt to convince people to vote for someone for public office.

## **CANDIDATE**

A person seeking to obtain an office or position.

## **CENSUS**

An official count of the population.

## **CHARTER**

A written grant which establishes a local government, corporation or other institution, and defines its purposes and privileges.

## **CHECKS AND BALANCES**

System of government which maintains balance of power among the branches of the government. Sets limits on the power of each branch. Sets up ways for each branch to correct any misuses of power by the other branches.

## **CIVIL**

Relating to the rights of individuals, such as property and personal freedoms. Also, court cases which are not **criminal**

or military, but relate to the violation of these rights by another individual.

**CIVIL RIGHTS**

Rights which belong to a person because of his or her being a member of a particular society, for example, an American.

**COMMITTEE**

A group of people officially chosen to investigate or discuss a particular issue.

**COMPENSATION**

Payment to make up for loss or damage.

**COMPROMISE**

To settle differences by accepting less than what was wanted.

**CONSTRAINT**

Limitation; restriction.

**CONTRADICT**

To conflict with; to oppose.

**CONTROVERSIAL**

Relating to issues about which people have and express opposing views.

**CRIMINAL**

Relating to court cases in which a person has been accused of committing an action that is harmful to the public, such as murder or burglary.

**DEBATE**

To discuss reasons for and against an issue or idea.

**DELEGATE**

To grant or assign responsibility to another; to authorize a person or persons to represent the rest of the people.

**DIRECT DEMOCRACY**

The people vote to make all of the decisions about their government.

**DISCRIMINATION**

Being treated differently, -usually worse, for some characteristic such as race, religion, national origin or sex. Discrimination is discouraged in the U.S.

**EXECUTIVE**

Person or group of persons responsible for governmental affairs and enforcement of laws.

**EXEMPT**

Free or excused from a requirement or duty.

**FOREIGN POLICY**

The way a country treats and relates to the other countries of the world.

**GENERAL ELECTION**

A voting process involving most or all areas of the nation or state.

**HIERARCHICAL**

Ordered by rank or authority.

**HIERARCHY**

The order in which authority is ranked.

**IMPEACH**

To charge a public official with committing a crime.

**INAUGURATE**

To place in office by a formal ceremony.

**INFLUENCE**

The power to produce or cause an effect; to have an effect upon.

**INHERENT RIGHTS**

Essential, basic rights.

**JURY**

A group of people chosen to hear a case in court. The *jury* makes a decision based upon the evidence.

**LEGISLATION**

The act or procedure of making laws; a law or laws made by such a procedure.

**LEVY**

To collect, a tax, for example.

**LINE OF SUCCESSION**

Order to *succession*.

**NATIONAL GUARD**

A military force in each state which is prepared for duty at the call of the state or federal government. The *National Guard* often helps people affected by natural disasters.

**NEGOTIATE**

To discuss and then **compromise** on an issue to reach an agreement.

**OPPONENT**

Person who ran against others in an election for an office or a position.

**OVERRIDE**

To nullify; to pass over.

**PARDON**

To forgive a person for something he/she did wrong; to release or free a person from punishment.

**PETITION**

A formal request, usually written, for a right or benefit from a person or group with authority.

**PHILOSOPHY**

The general beliefs, attitudes and ideas or theories of a person or group.

**PLATFORM**

The stated principles of a **candidate** for public office or a political party.

**PRELIMINARY**

Introductory; something that comes before and is necessary to what follows.

**PRESIDE**

To hold the position of authority; to be in charge of a meeting or group.

**PRIMARY ELECTION**

Election by which the **candidate** who will represent a particular political party is chosen.

**PRO TEMPORE**

For the time being; temporarily.

**RATIFY**

To approve or confirm formally; to make valid and binding.

**REGULATION**

Rule or order which controls actions and procedures.

**REPEAL**

To take back or recall, usually a law.

**REPRESENTATIVE DEMOCRACY**

The people choose or elect officials to make decisions for them about their government. On some issues, however, the people vote, rather than their representatives.

**REPUBLICAN**

Democratic; representative.

**RULING**

The official decision of a court on the case being tried.

**SENTENCE**

Judgment or decision; usually a decision on the punishment for a person convicted of a crime.

**SUCCESSION**

Order in which one person follows another in replacing a person in an office or position.

**TABLE**

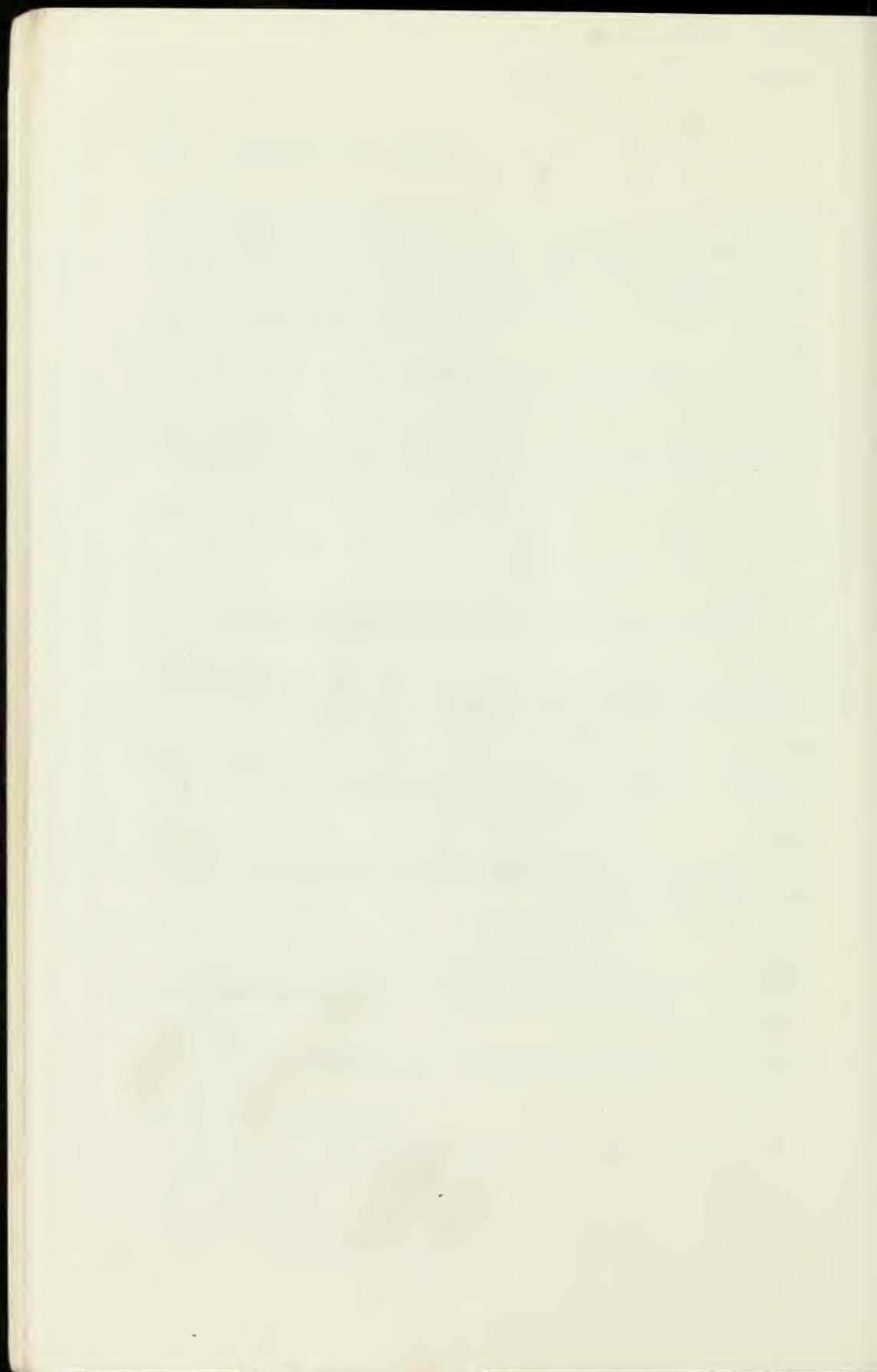
To postpone or delay making a decision on an issue or law.

**UNCONSTITUTIONAL**

In conflict with a constitution.

**VETO**

Power of the head of the **executive** branch to keep a bill from becoming law.



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## Article 1

## Wirkleyn

Mr. L. W. Smith, the engineer, who is also the architect, has designed, under the authority of the State, a new bridge across the river.

## Writings VII

done

